

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**SCOTT T. BALLOCK**

Case No.: 1:17-CV-52

Plaintiff,

v.

JURY TRIAL REQUESTED

**ELLEN RUTH COSTLOW,  
STATE TROOPER MICHAEL KIEF,  
STATE TROOPER RONNIE M. GASKINS,  
and  
STATE TROOPER CHRIS BERRY,**

Defendants.

**EXHIBIT NUMBER 1**

Costlow dep. at p. 196-197, cited at page 2.

Costlow dep. at p. 199, cited at page 2.

Costlow dep. at pgs. 204-205, cited at page 2.

Costlow dep. at pgs. 121-125.

Costlow dep. at 131-132, cited in footnote 5.

Costlow dep. at pgs. 61-62, cited in footnote 8.

Costlow dep. at pgs. 61-64.

Costlow dep. at p. 133.

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT  
3 OF WEST VIRGINIA

4 \* \* \* \* \*

5 SCOTT T. BALLOCK, \*

6 Plaintiff \* Case No.

7 vs. \* 1:17-CV-52

8 ELLEN RUTH COSTLOW, STATE \*

9 TROOPER MICHAEL KIEF, \*

10 STATE TROOPER RONNIE M. \*

11 GASKINS and STATE TROOPER \*

12 CHRIS BERRY, \*

13 Defendants \*

14 \* \* \* \* \*

15

16 VIDEOTAPED DEPOSITION OF

17 ELLEN RUTH COSTLOW

18 June 13, 2019

19

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1 VIDEOTAPED DEPOSITION

2 OF

3 ELLEN RUTH COSTLOW, taken on behalf of the Plaintiff

4 herein, pursuant to the Rules of Civil Procedure, taken

5 before me, the undersigned, Cody Neff, a Court Reporter

6 and Notary Public in and for the State of West Virginia,

7 at the law offices of Steptoe and Johnson, 1085 Van

8 Voorhis Road, Suite 400, Morgantown, West Virginia, on

9 Wednesday, June 13, 2019 beginning at 12:33 p.m.

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1                   A P P E A R A N C E S

2

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24

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1                   I N D E X

2

3 DISCUSSION AMONG PARTIES                   7 - 9

4 WITNESS: ELLEN RUTH COSTLOW

5 DIRECT EXAMINATION

6     By Attorney Crooks                   9 - 207

7 CROSS EXAMINATION

8     By Attorney Jeffries               208 - 216

9 CROSS EXAMINATION

10     By Attorney Phillips               217 - 223

9 Q. Your computer that is.

10 A. Yes.

11 Q. Where'd you find it?

12 A. In a briefcase. Oh, in a briefcase in a work  
13 car of Kenny's.

14 Q. Okay.

15 Why I don't believe Kenny ever turned any  
16 laptop over to Scott. Do you have any evidence or reason  
17 to suggest that he did?

18 A. No.

19 Q. I guess your --- your surmise from all of what  
20 you told me is you intercepted it. You stopped him from  
21 doing it. You discovered it was missing and you tracked  
22 it down and got it back.

23 A. I don't know. It was ---.

24 Q. I mean you suggested that's what ---

00196

1 A. It was ---.

2 Q. --- what he ---.

3 A. --- it was covered in mud. It had a muddy  
4 fingerprint on it. Thumb print on it, something on it.  
5 But it was covered in mud. It didn't work anymore.

6 Q. Oh, the computer was dysfunctional? What  
7 happened ---

8 A. Yes.

9 Q. --- was the battery dead or what?

10 A. Too much water, too much dirt. I don't know.  
11 But I will tell you what I don't know for certain what  
12 happened after he took it. All I know is where I found  
13 it and that was not in the dirt and not in the mud.

14 Q. Sounds like he went rolling in the creek with  
15 it. So you fought with Kenny on August 12 of 2013 about  
16 that computer and about this allegation of a relationship  
17 with Chris Berry.

18 A. Right.

19 Q. Okay.

20 So you did have Chris Berry's personal cell  
21 phone number at that point. Yes?

22 A. Yes.

23 Q. You had exchanged text messages with Trooper  
24 Berry.

00197

1 A. Yes.

2 Q. On more than one occasion.

3 A. Yes.

4 Q. Trooper Berry had been to the house to see you.

5 A. We'll restate that. He had come to the house  
6 to take a statement of what I considered to be something  
7 that was gone awry in the neighborhood.

8 Q. Okay.

9 A. I didn't have a license plate number to give  
10 but I just had a description of the car again.

11 Q. What time of day was it when he came to see  
12 you?

13 A. I don't remember exactly.

14 Q. Okay.

15 Well let me just put the question directly to  
16 you. Have you ever had a romantic relationship with  
17 Chris Berry?

18 A. No.

19 Q. I guess some people don't have sex without  
20 romance. Have you ever had sex with Chris Berry, period?

21 A. No.

22 Q. Okay.

23 A. No.

24 Q. How about these other troopers who are in the  
00198

1 case? Let's tick them off as well.

2 A. No.

3 Q. Sergeant Kief?

4 A. No.

5 Q. Ronnie Gaskins?

6 A. No.

7 Q. Did Kenny Ice live with you at 51 ---

8 A. No.

9 Q. --- Summit --- help me again. The name is real  
10 long.

11 A. 51 Summit Overlook Drive.

12 Q. Overlook Drive.

13 A. Morgantown. No.

14 Q. He never lived there. Did he ever stay the  
15 night there?

16 A. Yes.

17 Q. More than one occasion?

18 A. Yes.

19 Q. Did you ever throw screwdrivers at Kenny in the

20 course of fighting with him?

21 A. No.

22 Q. Do you realize that he contends that you did?

23 A. Yes.

24 Q. As I'm looking back, I see during the March

00199

1 6th, 2013 incident when Troopers Gaskins and Horn went to  
2 your resident in Thistledown.

3 A. Uh-huh (yes).

4 Q. It appeared that you and Kenny had been in a  
5 struggle and he ended up with a cut on him, on his arm  
6 and a bloody knife was found downstairs.

7 Is any of that true?

8 A. I didn't do that.

9 Q. How did it happen?

10 A. I don't know.

11 Q. Well you were the only two present in the house  
12 at the time.

13 Am I right?

14 A. I don't know how it happened. I did not do  
15 that.

16 Q. What were the two of you fighting about on that  
17 occasion? March 6th, 2013.

18 A. Well actually, respectfully you got your dates  
19 wrong, so ---.

20 Q. I know. I'm known to do it on occasion.

21 A. It's okay.

22 Q. I'm getting tired.

23 A. I don't know. There was a time where ---.

24 Q. I was on the understanding that it was March

00200

1 6th, 2013 when Troopers Gaskins and Horn was dispatched  
2 to the residence.

3 ATTORNEY PHILLIPS: Sounds right to me.

4 THE WITNESS: It is.

5 BY ATTORNEY CROOKS:

6 Q. It was?

7 A. But that's not what ---

8 Q. What did you fight about?

9 A. --- for. Probably --- oh, who knows? Probably  
10 something pertaining to just sheer frustration over the  
11 whole divorce thing from me, not having peace. But I  
12 don't quite remember all of it.

24 A. In my neighborhood ---

00204

1 Q. Yes?

2 A. --- there aren't police cars or state trooper

3 cars or county ---.

4 Q. Unusual to see the police?

5 A. Very, yes.

6 Q. Okay.

7 So how many other times did you interact with

8 Chris Berry?

9 A. There was a time when it was the Bridgeport

10 Duck Speed Board Race. And I had gone with Scott

11 and I. That's what I was told. And I was told that

12 they would give me 45 minutes heads up to pick up or so.

13 Let me know when to meet to pick up. We would do drop

14 offs and pick up not through Scott. Through Patty and

15 Tom at the Sheetz in Saberton. And I got a text message

16 saying to meet --- where are you? We're here. I was too

17 far away. I was about 45 minutes away and so I said well

18 I will be there, I didn't know. Nobody had sent a text

19 to tell me when to meet.

20 Then I received a message saying we're taking

21 her with us for the remainder of the weekend. And I

22 wrote back, no you can't. I was afraid that something

23 might not go right. Everything went fine. They brought

24 [REDACTED] back, I picked her up, everything was fine.

00205

1 Q. What involvement did Chris Berry have with any  
2 of that?

3 A. I called to see if he was working. It just  
4 happened to be someone that I knew from what was going on  
5 in the neighborhood.

6 Q. So did he come to a house?

7 A. No.

8 Q. Talk to him on the phone? Did you trade texts?

9 What ---?

10 A. I think it was texts or just to see if he was  
11 working. I can't remember that. But there wasn't any  
12 need.

13 Q. We talked about the August 12, 2013 argument  
14 that you had with Kenny. And we talked about the  
15 computer and apparently Kenny was accusing you. Was he  
16 looking at your phone? Did he see these texts that you

17 had exchanged with Chris Berry? What --- what was it  
18 that got Kenny so convinced that you were having an  
19 affair with Chris Berry?

20 A. I'm not sure what precipitated that.

21 Q. Okay.

22 A. But yes, he looked at my phone. Nothing to  
23 hide but I'm not sure what precipitated that.

24 Q. Okay.

00206

1 Well we know the computer issue was going on.

2 A. Right.

3 Q. I don't see where it would necessarily prompt  
4 him to look at your phone either. I'm not with you  
5 there.

6 A. I don't know. I really don't know.

7 Q. Like I said, we also know that that was one of  
8 the day you met with Christi Cooper-Lehki. Was there any  
9 connection there?

10 A. No. That surprises me. You've said that a  
11 couple of time now. No.

12 Q. Okay.

13 A. There wasn't.

14 Q. You can tell me coincidence but lawyers are ---

15 A. I understand.

16 Q. --- keen about those sorts of things.

17 A. I understand.

18 Q. All right.

19 So I guess that's just where we'll have to  
20 leave it. We don't know what prompted Kenny to look at  
21 your phone?

22 A. No.

23 Q. And we look --- what kind of --- is this the  
24 very first time he had ever heard of Chris Berry?

00207

1 A. I think so.

2 Q. As far as you know?

3 A. I think so.

4 Q. You got something else?

5 A. Well, do you remember the woman at Walmart who  
6 lost her life during a drop off and pick up of her child?  
7 And the father-in-law, I believe, shot her?

8 Q. I do seem to have some --- some memory of that.

9 Why does that come to mind?



17 A. I said I'm bragging.  
18 Q. Well he said --- he --- he was incredulous  
19 according to what I heard. He thought it was a true  
20 story. And he pointed out that you cried all day long.  
21 And you said so you would believe me. So maybe --- maybe  
22 you weren't bragging. Maybe you were being honest and  
23 humble about it. I don't know. But the fact is that's  
24 --- that's what was said, you cried all day long to sell  
00120

1 Kenny Ice, Junior on a story that you just made up.

2 A. That's what I said. I cried all day long.

3 That's what was said.

4 Q. All right.

5 So I went through the documents that were  
6 produced to us by the state police and as you no double  
7 understand, a lot of those documents came from you. That  
8 is to say you provided the state police with most of the  
9 documents that are in the file that they produced to us.

10 A. I have to see it first. I'm sorry. Because  
11 that may or may not be correct. May I just see the top  
12 of one? Or what you're speaking of the majority of?

13 Q. Let me put it to you this way. Let me show you  
14 this. Here's a letter that is dated March 21, 2018.  
15 This is from my honorable colleague Mark ---.

16 A. Oh.

17 Q. Yes? Mark Jeffries.

18 A. Yes.

19 Q. Sending me this on a disc. Right? Your lawyer  
20 was provided the same thing. You can see that it was  
21 addressed --- the letter was addressed to not only me but  
22 my co-counsel at the time ---

23 A. Uh-huh (yes).

24 Q. --- and to your lawyer. And it was a disc  
00121

1 containing everything you see printed off here in this  
2 stack in front of me. 882 pages.

3 A. And your question was?

4 Q. Well my question was to ask you to affirm that  
5 you provided the bulk of the material that constituted  
6 the state police investigation file into the harassment  
7 charges that you initiated against my client, Scott  
8 Ballock.

9 A. My attorney provided it.

10 Q. Well, at your direction.

11 A. Okay.

12 Q. You did something through your attorney that  
13 you didn't necessarily have to do yourself?

14 A. They contacted him. They asked me if I had an  
15 attorney. I think that was ---.

16 Q. I think we're working too hard on this  
17 particular question.

18 A. Okay.

19 Q. I'm looking at Troopers 31 and I'm sorry I'm  
20 not sitting here at the ready with four copies of the 800  
21 plus pages of production but it's just too much of it.  
22 Page 31 from the Trooper production is an email from you.  
23 And I'll just show you here.

24 A. Okay.

00122

1 Q. An email from you ---.

2 A. Let me grab my glasses. I need my glasses.

3 Q. Right. Date Wednesday, May 29th, 2013 at 4:43  
4 a.m. And this was an email that you sent at that day at  
5 that time to ---

6 A. Oh, yes.

7 Q. --- your lawyers. Amber Salero, Matthew Stout.

8 A. Yes.

9 Q. The salutation reads Amber and Matt.

10 Highlighted in the first sentence.

11 A. Sure.

12 Q. I need to file harassment charges against and  
13 it's expunged. But everywhere you see expunged, the word  
14 --- the name Scott ---

15 A. Right.

16 Q. --- should appear.

17 A. Uh-huh (yes).

18 Q. This file --- this is what is called an  
19 expunged file in the sense that somebody at the state  
20 police in accordance with an order entered by the Circuit  
21 Court here in Monongalia County, went through their  
22 record and blanked out ---

23 A. Okay.

24 Q. --- everywhere Scott's name appeared. Okay?

00123

1 A. Uh-huh (yes).

2 Q. So I need to file harassment charges against

3 Scott today.

4 A. Uh-huh (yes).

5 Q. And I would appreciate your help in this  
6 matter.

7 A. Uh-huh (yes).

8 Q. And then you go on to talk about ---.

9 A. I'm losing sleep at night.

10 Q. Yeah.

11 A. Thinking about what he'll do next, the threats,  
12 the insults, and other abusive tactics. Sure.

13 Q. Sure. All the same stuff that you ultimately  
14 said to the --- directly to the state police some five  
15 months later in the month of August the same year 2013.  
16 All right? So ---

17 A. I guess.

18 Q. --- all I'm asking you to do at the present is  
19 just affirm what I'm showing you.

20 A. That is an email I wrote to Amber and Matt.

21 Q. Yes.

22 A. And that is what it says. That is all that it  
23 says.

24 Q. You're instructing your lawyers May the 29th of  
00124

1 2013 to commence harassment charges against Scott. Now  
2 by harassment charges ---

3 A. Well that's not ---

4 Q. --- What did you mean?

5 A. --- a directive to them. When I needed  
6 something done I didn't write like that.

7 Q. I need to file harassment charges against Scott  
8 today and I would appreciate your help in this matter.

9 A. I guess semantically, no. Well, it didn't ---.

10 Q. It didn't happen. Did it?

11 A. Well semantically, we can talk about needing  
12 but that's --- when I would write a directive it was  
13 different. That was my feeling of need and over losing  
14 sleep. This is all correspondence from him. Right?

15 That was submitted as evidence

16 Q. My question is you wanted your lawyers to help  
17 you institute harassment charges against Scott as of May  
18 29, 2013. Yes or no?

19 A. Was this is after he received the letter from  
20 my attorneys telling him to stop?

21 Q. Your lawyer Matthew Stout wrote a letter dated  
22 May 3.

23 A. Uh-huh (yes).

24 Q. So the answer to your question is ---.

00125

1 A. Where Scott was told to stop contacting me.

2 Q. All right.

3 My question to you is ---.

4 A. No, that doesn't tell them to go do it.

5 Q. All right.

6 I'm not going to parse the terms with you.

7 A. Okay.

8 Q. You wrote to them, you said you need to go get  
9 this done, you wanted it done that day. My question is  
10 why wasn't anything done that day? If not that day,  
11 pretty soon after that email was sent. Why'd it take  
12 them until the third week of August, same year before  
13 anything got done?

14 A. I got a call from Marion County Sheriff  
15 Department.

16 Q. Uh-huh (yes).

17 A. It must have been --- it must have been August  
18 of 2013 or late July of 2013 --- it was late summer ---  
19 asking me if I knew Thomas Ballock. And they were  
20 concerned, telling me we need to let you know that he's  
21 been coming in asking lots of questions about you and  
22 asking for records under for you. A couple of days later  
23 I got a phone call from West Virginia State Police asking  
24 me to come in. They had concerns about Tom Ballock in

00126

1 --- as it pertains to --- as it pertained to my safety.

2 Q. Now I took the deposition of Michael Kief in  
3 this case. Are you aware of that?

4 A. Yes, I'm aware.

5 Q. That deposition was aided by certain documents  
6 from this police investigation file. And nearest we can  
7 figure it that exchange you just characterized happened  
8 in August 2013. Okay?

9 A. Okay.

10 Q. I just showed you a May 29 email that you sent  
11 your lawyers, saying that you need something done today.  
12 And my question was, why didn't anything happen until  
13 August. Did your lawyers ---?

00130

1 the mother had raised the issue at any time. Close  
2 quotes.

3 So, now I read that what --- to my reading,  
4 looks like a little bit of frustration, perhaps  
5 exasperation on the part of the family court judge that  
6 you went to the police and the police came and arrested  
7 Scott, in front of the court ---.

8 A. Let's rephrase that.

9 Q. I'm just telling you how I read that.

10 A. I didn't go to the police.

11 Q. You need to let me finish my questions.

12 A. Sure.

13 Q. All right?

14 So this prompts me to ask you, did you discuss  
15 with your lawyers the options of going to family court,  
16 talking to Judge Minor and getting an injunction?

17 A. Yes. And we had gone in about websites that  
18 had been put up about me. What I remember a lot of is,  
19 Ellen, we're just going to get you divorced. We're going  
20 to get you divorced. They just want to move on. We will  
21 get you divorced. We were hoping --- all of us were  
22 hoping that the letter sent to Scott would work, would  
23 make it stop. But he was sending me code about any  
24 mission.

00131

1 Q. Federal code.

2 A. He was calling me to tell me remember if you  
3 lie to the FBI like Martha Stewart did, you'll end up in  
4 prison. These weren't correspondences from him about the  
5 health and welfare of the children. That's not his ---  
6 that was not the intent of any of the correspondence in  
7 especially May, so ---.

8 Q. Now you ---.

9 A. Also respectfully, you're an attorney, you have  
10 clients. I'm a teacher, I have students. If they need  
11 me to do something, it depends on if the timing is good  
12 for what we're doing. You know, you can't go to recess  
13 if we haven't had lunch yet. There are decisions that  
14 have to be made by as professional. I'm not going to  
15 question the decisions that they made. But I will tell  
16 you when I read that, that was real hard to --- that was  
17 hard to take because we had been to court for other

18 things. I asked each time.

19 Q. You asked each time for what?

20 A. That we would walk in, please bring up  
21 something about all of these emails, please bring up  
22 something about all of these text messages. They were  
23 all being filtered into a box within my email. So I  
24 wouldn't have to go through reading them all. I just  
00132

1 came to see if anything was about Tommy or Summer.

2 So there were steps that they had taken to try  
3 to alleviate the --- the effect it was having.

4 Q. So let me ask you, when you were meeting with  
5 the state police, specifically with Sergeant Kief, he's a  
6 lieutenant now but he was Sergeant at the time. You met  
7 with him the night before the hearing.

8 A. That happened to be --- was that the day or the  
9 day before that had been called? That was coincidence.

10 Q. So arresting Scott in front of the family court  
11 judge was just mere coincidence.

12 A. That's not my decision. What was asked was do  
13 I know when he works. Work hours. I said something  
14 about, you know, home with the children not good because  
15 --- otherwise he's here. But I wasn't certain of his  
16 hours or anything like that. I said all I know for  
17 certain is he will be at family court. We have a hearing  
18 tomorrow.

19 Q. You said --- oh, I'm sorry.

20 A. No I was just -- that's all. That's all.

21 Q. Okay.

22 A. There was no advantage I was trying to gain by  
23 this for myself, for any court proceeding. And ---.

24 Q. You know a representative from the FBI was  
00133

1 present.

2 A. I didn't know that until that day.

3 Q. So if wasn't you who notified the FBI that  
4 Scott was going to be arrested in family court?

5 A. No.

6 Q. That would have been somebody at the state  
7 police.

8 A. I guess so.

9 Q. Now you said earlier in the deposition that you  
10 didn't want to cause trouble for Scott's employment with

12 A. I suppose she did.

13 Q. You suppose she did?

14 A. There was a lot done during this time.

15 Q. Yes. Dr. Cooper-Lehki itemized an extensive  
16 investigation including 14 hours of interviews with you.  
17 You took an MMPI ---

18 A. Yes.

19 Q. --- inventory.

20 A. I did which showed that I'm normal. I don't  
21 know how --- it showed that I was fine. Levels of  
22 anxiety, not uncommon to a woman going through a divorce.

23 Q. Uh-huh (yes).

24 Well according to the report that Dr. Cooper-  
00060

1 Lehki submitted to the family court she said, quote ---  
2 and I'm looking here on page three of the report, quote,  
3 Ellen Ballock suffers from borderline personality  
4 disorder which is a pervasive pattern of instability of  
5 interpersonal relationships, self-image, and effects and  
6 marked impulsivity that begins by early adulthood and is  
7 present in a variety of contexts, closed quote. Although  
8 the report does go on. You read this. Right? You ---.

9 A. Well like I said, I read some of this but ---.

10 Q. Have you ever looked up on the internet or  
11 otherwise borderline personality disorder to see what Dr.  
12 Cooper-Lehki was saying about you?

13 A. This is what she chose to say, this is what she  
14 believes she found.

15 Q. That's right.

16 A. So, it's ---

17 Q. Did you look it up so that you could understand  
18 what she was trying to say?

19 A. It says it right here.

20 Q. Well it does. It explains it. She  
21 explains ---.

22 A. How about this? I didn't have to look it up.  
23 Tom Ballock had plastered it all over the internet. I  
24 didn't have to look it up because it was already

00061

1 something that had been suggested by Tom Ballock even to  
2 Teresa Lyons and emails he wrote.

3 Q. Uh-huh (yes).

4 Teresa Lyons was the guardian ad litem during

5 your divorce?

6 A. Yes. So looking this up occurred before any of  
7 this happened because my thought was what is this?

8 Q. Dr. Cooper-Lehki, page four of her report, top  
9 paragraph says that many of your harmful behaviors such  
10 as giving videos, pictures, and documented details of  
11 your sexual relations to the wives of your lovers  
12 supports the presence of personality disorder. In fact,  
13 you did provide evidence in photographic form to women,  
14 that is to say the wives of some of the men with whom  
15 you've had sex.

16 Didn't you?

17 A. I took information to Scott Kirby's wife  
18 because he would not stop coming to the house.

19 Q. Uh-huh (yes).

20 A. He wouldn't stop.

21 Q. What was he coming to your house for?

22 A. He was saying he wanted to know what was going  
23 on as if somebody was doing something to him. I wanted  
24 nothing to do with him.

00062

1 Q. As if someone was doing something to him.

2 A. Some sort of threat. I don't know. I can't  
3 tell you exactly what kind of a threat he was talking  
4 about. I just didn't want him coming to the house  
5 anymore at all.

6 Q. This was ---.

7 A. To be left alone and I made that clear.

8 Q. All right.

9 VIDEOGRAPHER: Excuse me, Counsel. Two  
10 minutes until change.

11 ATTORNEY CROOKS: Let's go off the record  
12 for you to change that.

13 VIDEOGRAPHER: Going off the record at  
14 2:08 p.m.

15 OFF VIDEO

16 ---

17 (WHEREUPON, A PAUSE IN THE RECORD WAS HELD.)

18 ---

19 ON VIDEO

20 VIDEOGRAPHER:

21 We're back on the record at 2:20 p.m.

22 BY ATTORNEY CROOKS:



23 Q. We were addressing ourselves to the content of  
24 Dr. Christi Cooper-Lehki's report entitled custody  
00063

1 evaluation which she submitted to Judge Randal,

2 R-A-N-D-A-L, Minor, M-I-N-O-R.

3 Partly because we took a break and partly  
4 because things just tend to work this way, I'll probably  
5 jump around just a little bit on some topics. As always,  
6 if you're not sure where I am and where I'm looking at  
7 just let me know and I'll get you oriented to a document  
8 or rephrase my question.

9 A. Okay.

10 Q. One of the things we talked about was your  
11 contact with wives of men with whom you had sexual  
12 relations. We talked about Scott Kirby's wife, her name  
13 was Belynda, B-E-L-Y-N-D-A, Belynda Kirby. Do you recall  
14 getting in touch with Belynda Kirby at a public PTA  
15 meeting and providing her photographs and correspondence  
16 demonstrating Scott's affair with you?

17 A. Yes.

18 Q. Okay.

19 Why'd you do that?

20 A. It was the only way I can think of to keep him  
21 from coming to the house.

22 Q. Did it work?

23 A. Yes.

24 Q. In fact, Belynda Kirby instituted a divorce  
00064

1 case against Scott. Are you aware of that?

2 A. That could also be due to the fact that he  
3 robbed the Ramada Inn in Marion County and tried to get  
4 away on a bicycle.

5 Q. He was the bicycle bandit. I forgot. Was he  
6 apprehended in the attempted escape?

7 A. I don't know.

8 Q. How'd you know about it?

9 A. It was on the news.

10 Q. Was it? How could I miss that? Now there was  
11 another wife Michelle Nickelson. And according to Dr.  
12 Cooper-Lehki, you provided correspondence and photographs  
13 of your affair with her husband as well.

14 A. I didn't do that.

15 Q. You didn't do that? Who did?

16 A. I don't know.

17 Q. When Dr. Cooper-Lehki got in touch with  
18 Michelle Nickelson, she was told that included in the  
19 correspondence and photographs documenting your affair  
20 with her husband that someone had put one of Scott's  
21 business cards in the package. Were you aware of that?

22 A. I wasn't aware of that.

23 ATTORNEY PHILLIPS: Charles is that ---?  
24 Are you in the report? Which report?

00065

1 ATTORNEY CROOKS: No.

2 ATTORNEY PHILLIPS: Is this information in  
3 the record?

4 ATTORNEY CROOKS: I don't --- I think it  
5 may have been disclosed in court.

6 ATTORNEY PHILLIPS: Okay.

7 BY ATTORNEY CROOKS:

8 Q. Now you were sure to tell Dr. Cooper-Lehki and  
9 here I am referring to Dr. Cooper-Lehki's report, page  
10 four, second paragraph, you were sure to tell Dr. Cooper-  
11 Lehki that Scott insisted and forced you and coerced you  
12 and groomed you, here I'm just using words from the  
13 report of what you told her.

14 A. Can you point to that please?

15 Q. Second paragraph, all right. Looks to me like  
16 we're working on fourth sentence, I think.

17 A. Oh, I see that.

18 Q. She chooses --- now Dr. Cooper-Lehki is  
19 referring to you. She chooses to blame Scott Ballock for  
20 her sexual acts insisting that he forced her, coerced  
21 her, and groomed her to perform sexual acts with other  
22 men and with dogs for his pleasure. You see where I read  
23 that?

24 A. I do.

00066

1 Q. Did I read it accurately?

2 A. You read what Dr. Cooper-Lehki wrote.

3 Q. Okay.

4 Now this is in fact what you told her.

5 True?

6 A. This is not --- these are her words.

7 Q. I understand that.

8 A. Okay.

18 things. I asked each time.

19 Q. You asked each time for what?

20 A. That we would walk in, please bring up  
21 something about all of these emails, please bring up  
22 something about all of these text messages. They were  
23 all being filtered into a box within my email. So I  
24 wouldn't have to go through reading them all. I just  
00132

1 came to see if anything was about Tommy or Summer.

2 So there were steps that they had taken to try  
3 to alleviate the --- the effect it was having.

4 Q. So let me ask you, when you were meeting with  
5 the state police, specifically with Sergeant Kief, he's a  
6 lieutenant now but he was Sergeant at the time. You met  
7 with him the night before the hearing.

8 A. That happened to be --- was that the day or the  
9 day before that had been called? That was coincidence.

10 Q. So arresting Scott in front of the family court  
11 judge was just mere coincidence.

12 A. That's not my decision. What was asked was do  
13 I know when he works. Work hours. I said something  
14 about, you know, home with the children not good because  
15 --- otherwise he's here. But I wasn't certain of his  
16 hours or anything like that. I said all I know for  
17 certain is he will be at family court. We have a hearing  
18 tomorrow.

19 Q. You said --- oh, I'm sorry.

20 A. No I was just -- that's all. That's all.

21 Q. Okay.

22 A. There was no advantage I was trying to gain by  
23 this for myself, for any court proceeding. And ---.

24 Q. You know a representative from the FBI was  
00133

1 present.

2 A. I didn't know that until that day.

3 Q. So if wasn't you who notified the FBI that  
4 Scott was going to be arrested in family court?

5 A. No.

6 Q. That would have been somebody at the state  
7 police.

8 A. I guess so.

9 Q. Now you said earlier in the deposition that you  
10 didn't want to cause trouble for Scott's employment with

11 the Bureau.

12 A. No.

13 Q. You didn't say that?

14 A. I did say that, yes. I agree. That was ---

15 sorry.

16 Q. Okay.

17 A. That's true.

18 Q. All right.

19 A. That's true.

20 Q. So did it occur to you that going so far as to  
21 swear out criminal complaints against Scott, having him  
22 arrested, charged with harassment could cause him trouble  
23 in his employment with the FBI?

24 A. Yes.

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1 Q. Okay.

2 A. I did.

3 Q. Did that not cause you to reconsider and  
4 perhaps look for some other resolution to the problem of  
5 these emails?

6 A. I did consider it heavily.

7 Q. Uh-huh (yes). Tell me about that.

8 A. I weighed it back and forth in my mind. A  
9 letter from my attorney didn't stop what was going on.  
10 There were the threats, the constant contact, it wasn't  
11 stopping. And the sheer number of emails you're aware  
12 of. Yes?

13 Q. I know how many.

14 A. Thousands. Within eight months. Are you aware  
15 of the number of text messages?

16 Q. Again, we're here for your deposition today.

17 A. Okay. Okay. So that was --- I weighed  
18 everything in my mind.

19 Q. When was the first time you talked with --- oh,  
20 I'm sorry.

21 A. Oh, I just didn't --- it could have. That's  
22 all that I could decide that it could have.

23 Q. Yeah.

24 A. I'm not in --- I'm not in the position to make

00135

1 those decisions.

2 Q. Uh-huh (yes). The FBI.

3 A. Uh-huh (yes).